

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

Warren Levy, Esq.
NJ Atty. No. 032181989
Keaveney Legal Group
1000 Maplewood Drive
Suite 202
Maple Shade, NJ 08052
Telephone: (856) 831-7119
Facsimile: (856) 282-1090
Attorney for the Debtor

In Re:

Rosetta Shaw,

Debtor.

Case No: 18-28267-JNP

Chapter: Chapter 13

Judge: Jerrold N. Poslusny Jr.

DEBTOR'S MOTION FOR
SALE OF ESTATE PROPERTY (DEBTOR'S RESIDENCE)

AND NOW comes the Debtor, Rosetta Shaw, by and through her undersigned counsel, seeking an Order granting her Motion for the Sale of Real Estate, in support of which she avers:

1. On September 12, 2018, Rosetta Shaw (hereinafter "Debtor") filed her Voluntary Chapter 13 Petition (Docket 1) in the United States Bankruptcy Court for the District of New Jersey, bearing case number 18-28267-JNP.

2. Under Schedule A/B in the Debtor's Bankruptcy petition (No. 1.2), the Debtor lists Real Estate owned for an investment property located at 10 Temple Lane, Willingboro, NJ 08046-0706 (hereinafter "the property") with a value of \$168,900.

3. On November 21, 2018, Selene Finance (servicer for WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION

TRUST), filed a proof of claim (POC 6-1) for a mortgage (hereinafter “the mortgage”) on the property in the amount of \$168,923.01 which included \$1,351.71 in pre-petition arrears.

3. On December 5, 2019, the Court entered an Order confirming the Plan (Docket No. 28) calling for the Debtor to pay the Standing Trustee \$1,468.00 for 46 months, and directs the Chapter 13 Trustee to pay Selene Finance’s claim in the amount of \$1,351.71.

4. Since filing her petition, Debtor has paid \$45,040 of her scheduled pre-petition debts, with a balance due of \$84,657.95. (see Exhibit “A”, “Trustee’s Payoff”, dated August 16, 2021).

5. The Debtor has executed an agreement of sale for the property in the amount of \$250,000 (see attached Exhibit “B”), which will require bankruptcy court approval.

6. An appraisal was conducted on the property on June 19, 2021, by David A. MacNicoll, ASA IFA, of Appraisal Exchange South LLC, showing the appraised value to be \$258,000. (see attached Exhibit “C”)

7. The Debtor wishes to sell the property due to not receiving rental income as a result of the COVID pandemic and wishes to make use of the proceeds to satisfy her obligations under the Bankruptcy Plan.

8. The Debtor and creditors herein will mutually benefit from acceptance of this offer by virtue of the accelerated satisfaction of his obligations under his Plan.

WHEREFORE, the Debtor, Rosetta Shaw, respectfully requests this Court to issue an Order granting her Motion for Sale of Real Estate.

Respectfully Submitted,

/s/ Warren Levy, Esq.
Keaveney Legal Group
1000 Maplewood Drive
Suite 202
Maple Shade, NJ 08052
Telephone: (856) 831-7119
Facsimile: (856) 282-1090
Attorney for the Debtor

Date: October 4, 2021